

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MERRILL PRIMACK,	)	
on behalf of himself and a class,	)	
	)	Case No.: 14-cv-9333
Plaintiff,	)	
v.	)	
	)	Honorable Judge Virginia M. Kendall
SANTANNA NATURAL GAS	)	Magistrate Judge Young B. Kim
CORPORATION d/b/a SANTANNA	)	
ENERGY SERVICES and JOHN DOES	)	
1-10,	)	
	)	
Defendants.	)	

**PLAINTIFF’S MOTION FOR LEAVE TO  
FILE FIRST AMENDED COMPLAINT**

Plaintiff, Merrill Primack, by and through his counsel, requests leave of court to file a first amended complaint, a copy of which is attached hereto as Appendix A, adding additional allegations of calls made by defendant to plaintiff since the inception of this litigation.

In support of this motion, plaintiff states:

1. Plaintiff brought this action on November 21, 2014. Defendant filed an answer on December 29, 2014.
2. Since the inception of this case, defendant has placed three additional telemarketing calls to plaintiff – on December 4, 2014, January 2, 2015, and January 23, 2015.
3. Plaintiff wishes to file an amended complaint to include allegations with respect to these three additional calls.
4. Fed. R. Civ. P. 15(a)(2) provides that district courts “should freely give leave [to amend] when justice so requires. District courts “have broad discretion to deny leave to amend where there is undue delay, bad faith, dilatory motive repeated failure to cure deficiencies, undue

prejudice to the defendants or where amendment would be futile.” *Arreola v. Godinez*, 546 F.3d 788, 796 (7th Cir. 2008). None of these factors apply here where the litigation is at any early stage. In particular, no prejudice to defendant will result from this proposed amendment.

WHEREFORE, plaintiff, Merrill Primack, by and through his counsel, requests leave of court to file a first amended complaint, a copy of which is attached hereto as Appendix A, adding additional allegations of calls made by defendant to plaintiff since the inception of this litigation.

Respectfully submitted,

s/Francis R. Greene  
Francis R. Greene

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**CERTIFICATE OF SERVICE**

I, Francis R. Greene, hereby certify that on February 16, 2015, I caused to be filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following counsel of record:

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s/ Francis R. Greene  
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